

REMARKS

The Office Action mailed March 11, 2003, has been received and its contents carefully noted. Claim 16 has been amended to include the subject matter of claim 17, which has been cancelled.

Accordingly, Claims 16 and 18-34 are before the Examiner.

Claims 16 and 18-21, 23-30 and 34 are rejected as being anticipated by Fuchs et al. (US 5,700,527). This rejection is respectfully traversed.

Claim 16, the sole independent claim, has been amended to include the limitation of claim 17 which was not included in the rejection, as stated.

Fuchs et al. teach a sound absorbing glass building component or transparent synthetic glass building component. In contrast the present invention is directed to a lining or shape element for means of transportation in particular for the elements mentioned in original claim 2.

It is self-understanding that the sound-absorbing in a glass building component or synthetic glass building component is quite different from the frequencies to be absorbed in a vehicle and thus, the application of the technique described by Fuchs et al. in no way can be directly transferred to the present field of automobiles. While the sound absorber according to Fuchs et al. is designed for an absorption in a frequency range between $f = 125$ to 1250 Hz, the present invention is directed to sound absorption in the range of from 500 Hz to 5000 Hz as can be seen from the first paragraph of page 3 of the specification.

The panels according to Fuchs et al. are mounted at a distance of between $d = 25$ to 100 mm in front of the glass building component as can be found in column 2, line 47 ff. On the

other hand, such a distance in no way can be used in the automotive section. In this respect, page 5, paragraph 4 of the application as filed discloses a wall distance of from 10 to 20 mm.

Withdrawal of the rejection is respectfully requested in light of the amendment to claim 16.

Claims 16-18, 22, 30 and 31-33 under 35 U.S.C. §102(b) as being anticipated by Stricker et al. (US 5,670,235). This rejection is respectfully traversed.

Stricker et al. disclose a shaped laminate, particularly an internal lining part for a motor vehicle. The laminate is made of a substantially stiff supporting sheet of a thermoplastic material covered on at least one or both sides with a surface layer (4 or 5) in the form of a non-woven fabric. A supporting sheet is at least zonely provided with perforations (7) as specified in column 3, lines 32 ff. The resultant surface layers are free from said perforations and thus are distinguished from the structure claimed. The perforations of the support layer do not appear to act for sound absorption purposes.

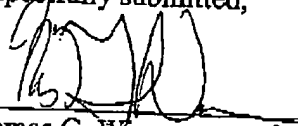
Further, when the non-woven surface layer(s) are bound to the support sheet, the perforations (7) would be expected to be at least partially closed by the melting material of the binder of the non-wovens. Accordingly, it is not clear that the perforations (7) of laminated sheet provided in the car would contain perforations, capable of absorbing sound as those claimed. Further, the Stricker et al laminate does not have any distance to the metal sheet of the car and thus, would also be unsuitable to absorb the sound in the frequency area of between 500 to 5000 Hz.

Since the claimed structure is not taught, expressly or implicitly, by Stricker et al, there is no anticipation. Withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, the application is believed to be in condition for allowance and a notice to that effect is respectfully requested.

Should the Examiner not find the Application to be in allowable condition or believe that a conference would be of value in expediting the prosecution of the Application, Applicants request that the Examiner telephone undersigned Counsel to discuss the case and afford Applicants an opportunity to submit any Supplemental Amendment that might advance prosecution and place the Application in allowable condition.

Respectfully submitted,



Thomas G. Wiseman
(Registration No. 35,046)

VENABLE
Post Office Box 34385
Washington, DC 20043-9998
Telephone: (202) 962-4800
Direct dial: 202-513-4614
Telefax : (202) 962-8300

DC2-DOCS1-461504

VENABLE, BAETJER, HOWARD & CIVILETTI, LLP
Including professional corporations
1201 New York Avenue NW, Suite 1000
Washington, D.C. 20005
(202) 962-4800 FAX (202) 962-8300
MARYLAND • WASHINGTON, DC • VIRGINIA

FAX COVER SHEET

SENDER'S EQUITRAC
NUMBER:

2331

DATE: September 11,
2003

TIME:

DATE OF
TRANSMISSION:

September 11, 2003

If Fax is not successfully transmitted by close of business day, please notify me at 202-962-4051

TO:

	Name	Company	Fax No.	Telephone No.
1.	Ms. Theresa Dawkins	U.S. Patent and Trademark Office	703-746-8826	703-308-2135

FROM:

Name: Viola P. Briggs

Telephone No.: 202-216-8058

TOTAL NUMBER OF PAGES (INCLUDING COVER
PAGE):

11

CONFIDENTIALITY NOTICE

WARNING:

Unauthorized interception of this telephonic communication could be a violation of Federal and State Law. The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

Message:

Ms. Dawkins:

Per our conversation earlier, I am sending the Amendment with the necessary change as indicated.

Viola P. Briggs